

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: October 2-3, 2014**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Hamed Tewfik, M.D., Chairperson; Michael Thompson, D.O., Vice Chairperson; Allison Schoenfelder, M.D., Secretary; Frank Bognanno; Julie Carmody, M.D.; Ronald Cheney, D.O.; Diane Clark; Diane Cortese; Julie Perkins, M.D.

THURSDAY, OCTOBER 2, 2014

7:30 a.m. **EXECUTIVE COMMITTEE – Medical Conference Room B**
Chair Tewfik, Bognanno, Clark, Schoenfelder, Thompson

8:00 a.m. **SCREENING COMMITTEE – Board Room**
Chair Perkins, Carmody, Cheney, Cortese

9:00 a.m. **MONITORING COMMITTEE – Board Room**
Chair Thompson, Bognanno, Cheney, Perkins, Tewfik

9:00 a.m. **LICENSURE COMMITTEE - Medical Conference Room B**
Chair Schoenfelder, Carmody, Clark, Cortese

BOARD – OPEN SESSION - Board Room
Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – CLOSED SESSION¹ - Board Room
Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Iowa Physician Health Committee

B. Review of closed minutes

1. August 7-8, 2014, Board Meeting

LUNCH BREAK

BOARD – CLOSED SESSION¹ - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Unlicensed Practice of Medicine Cases

1. Jorrion H. Belinsky

B. Vote on Closed Session Cases

FRIDAY, OCTOBER 3, 2014

8:00 a.m.

BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – CLOSED SESSION¹ – Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Vote on Closed Session Cases

9:00 a.m.

OPEN SESSION/PUBLIC MEETING^{3,5} - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Roll-call to establish quorum; acknowledge absent Board members

B. Opportunity for public comments⁵

C. Board Minutes for Consideration of Approval

1. August 7-8, 2014 Board meeting

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. **Proposed Notice of Intended Action:** Amendments to 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics,” to establish standards of practice for physicians who use a real-time interactive telecommunication system to diagnose and treat patients.
2. **Advisory: Public hearing 11 a.m. October 7, 2014, on ARC1632C,** which establishes 653 IAC Chapter 18, “Military Service and Veteran Reciprocity.” This chapter engages the Governor’s Home Base Iowa Act initiative for licensure (medical and acupuncture) of military veterans, allowing credit for military training and experience in the licensure process, issuance of a provisional license, and licensure by reciprocity.
3. **Proposed Notice of Intended Action:** Amendment to 653 IAC Chapter 13, “Standards of Practice and Principles of Medical Ethics.” National Transportation Safety Board’s recommendation that prescribers discuss with patients the effects of controlled substances on the patients’ ability to safely operate a vehicle in any mode of transportation.
4. **Discussion/possible Notice of Intended Action:** Amendments to 653 IAC Chapter 17 to update definitions, define delegation of needle removal, and to revise information on mandatory disclose sheet.
5. **Discussion:** Iowa Board of Physician Assistants’ possible rule-making to rescind subrule **645 IAC 327.4(2)** that requires a physician to regularly visit their PAs who work in remote clinics.

G. 2015 Legislative

1. **Updates:**
 - a. Interstate Medical Licensure Compact
 - b. Administrative medical license
 - c. Civil penalties
 - d. Relinquish inactive medical licenses
 - e. Use of administrative law judges to hear certain cases
 - f. Use of PMP database
 - g. Licensure of anesthesiologist assistants
 1. Anesthesiologist Assistants – Iowa Society
 2. Anesthesiologist Assistants – Training, Licensure, Etc.
 3. Anesthesiologists – Work States Graphic
 4. Anesthesiologist Assistants – Comments by Mary O’Brien
 5. About the Anesthesiology Profession
 6. Statement Comparing AA NA Education
 7. Statement on Anesthesia Care
 8. Anesthesiologist Assistants – Column by Karen Sibert
 - h. Acupuncture licensure revisions

H. Annual Review of Board Fees

I. Judicial Review, Legal Update & Training

1. **IAC 653 13.10 – Standards of practice for physicians who perform medical abortions.** District Court decision affirmed rulemaking. Planned Parenthood has appealed to the Supreme Court. The Supreme Court issued a stay of the rules pending a decision in the case. The Court also ordered expedited briefing. A schedule has not yet been issued.

2. **Amjad Butt, M.D.** – Two cases awaiting review in District Court. Both cases have been argued and submitted. Awaiting decision.
3. **Mark Collison, M.D.** – Respondent’s application for further review was denied by Supreme Court. This case is over.
4. **Donna DeLouis, D.O.** – Court issued a ruling affirming the District Court’s decision and the Board’s decision. Her challenge to the settlement agreement was untimely and the report to the NPDB was appropriate.
5. **Richard Fleming, M.D.** – District Court affirmed the Board’s decision. He has appealed to the Supreme Court. Briefing in progress.
6. **Wendy Smoker, M.D.** – The District Court dismissed her claim for expenses, finding that Dr. Smoker should have raised this in the first appeal of her disciplinary case and should have asked for a stay. Has appealed to the Supreme Court. Briefing schedule has not yet been issued.
7. **TRAINING: What happens after the decision and order is issued in a disciplinary case?**

J. Iowa Physician Health Committee/Program

1. YTD statistics

K. Reports & Articles

1. *Physician assistants more than double in a decade*, Larry Hand, Medscape Medical News, August 12, 2014.
2. *Shift in physician employment favors hospitals*, Tamara Rosin, Becker’s Hospital Review, September 17, 2014
3. *Disruptive behaviors among physicians*, Luis T. Sanchez, M.D., Journal of the American Medical Association, August 21, 2014
4. *Physicians did not see patient increase after ACA plan sign-up*, Ken Terry, Medscape Medical News, September 15, 2014
5. *NC teeth-whitening case could have sweeping implications for other states*, Anne Blythe, Raleigh News & Observer, September 25, 2014

L. Licensure and Licensure Committee Report

BOARD – CLOSED SESSION¹ - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

LUNCH BREAK

BOARD – CLOSED SESSION¹ – Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Vote on Closed Session Cases

ADJOURN

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2012 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (d), (f) and (g) of the 2012 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2012.

(3) Public agenda materials are available via e-mail. Public sessions are recorded and available via CD upon request. Contact natalie.sipes@iowa.gov

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The next scheduled Board meeting is Thursday and Friday, December 4-5, 2014, at 400 SW Eighth Street, Suite C, Des Moines, Iowa 50309.

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.